

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DAVID JOE COOK,

Plaintiff

v.

Civil Action No.: 2:11-0485

MICHAEL J. ASTRUE,
Commissioner of
Social Security,

Defendant

MEMORANDUM OPINION AND ORDER

The court has received the Proposed Findings and Recommendation (PF&R) of United States Magistrate Judge Mary E. Stanley, entered on May 2, 2012.

The magistrate judge recommends that the court reverse the Commissioner's final decision and remand the claim pursuant to the fourth sentence of 42 U.S.C.A. § 405(g) for the purpose of awarding benefits.

Inasmuch as neither party has objected to the PF&R, and following a de novo review, the court concludes the recommended disposition is correct. It is, accordingly, ORDERED as follows:

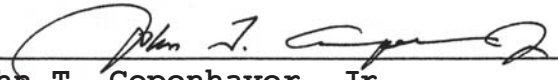
1. That the PF&R be, and it hereby is, adopted by the

court and incorporated herein;

2. That decision of the Commissioner be, and it hereby is, reversed and this claim is remanded to the Commissioner pursuant to the fourth sentence of 42 U.S.C.A. § 405(g) for the purpose of awarding benefits.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the magistrate judge.

FATED: "Lwpg"47."4234


John T. Copenhaver, Jr.
United States District Judge